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OFFICE OF PETITIONS

In re Application of

Funsten, et al.

Application No. 10/671,109

Filed: September 25, 2003

Attorney Docket No. S-100,630

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), September 13, 2005, to revive the above-identified application. The petition will be treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition is **granted**.

This application was abandoned for failure to timely remit the issue fee of \$750.00 and the publication fee of \$300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed March 23, 2005. The Notice set forth a three (3) month statutory period for reply. No response was believed to be received within the allowable period. Accordingly, this application became abandoned on June 24, 2005. A Notice of Abandonment was mailed on September 6, 2005. Petitioner has filed a copy of the facsimile transmission sheet by which the Office acknowledged receipt of the Issue Fee Transmittal Form on March 30, 2005. Petitioner also filed a copy of the Issue Fee Transmittal form that contains a certificate of mailing under 37 CFR 1.8 showing a date of March 30, 2005. Petitioner has established that the application was improperly abandoned. The Notice of Abandonment mailed September 6, 2005, is withdrawn, accordingly.

The issue fee of \$700.00 and publication fee of \$300.00 will be charged to deposit account 12-2150.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions